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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 3-16 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-61 of copending Application No. 10/551,345 (Park et al.) (Pub. No. 2007/0109124A1).

Although the conflicting claims are not identical, they are not patentably distinct from each other because they both teach similar methods and apparatus for a contactless communication tag. Further, the claims of the instant application are generic to all that is recited in the claims of the copending application.

Regarding claim 1, Park teaches a mobile communication terminal that receives information received from a contactless communication tag, the mobile communication

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terminal comprising: a communication unit, which wirelessly exchanges data with the contactless communication tag which is a physical device attached to a product and separated from the mobile communication terminal and wirelessly sends a power a storing unit in which encryption keys information related to at least two encryption keys are stored, a decryption unit, which receives encryption key specifying information from the contactless communication tag, selects corresponding encryption key related information from said encryption keys information related to at least two encryption keys according to the encryption key specifying information, and decrypts data received from the contactless communication tag based on the selected encryption key related information, an information reading unit, which requests product information of the product from the contactless communication tag and reads the product information received from the contactless communication tag, and an output unit, which outputs the read product information, wherein the decryption unit decrypts the product information received from the contactless communication tag, and the output unit displays or sounds the decrypted product information (see claims 1-61).

Regarding claim 3, Park teaches a leaked encryption key updating unit that upon receipt of encryption key update request information concerning a leaked encryption key from the contactless communication tag, discards an encryption key designated by the encryption key update request information from the storing unit and updates with a newly assigned encryption key (see claims 1-61).

Regarding claim 4, Park teaches the encryption key related information includes a plurality of encryption keys that is classified and assigned according to a classification

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reference including at least one of a type of industry, a manufacturer, a brand, and a product name, and the decryption unit decrypts the product information received from the contactless communication tag using an encryption key selected from the plurality of encryption keys based on the encryption key specifying information received from the contactless communication tag (see claims 1-61).

Regarding claim 5, Park teaches the encryption key related information includes at least one seed value for creation of different encryption keys, and the decryption unit decrypts the product information received from the contactless communication tag using an encryption key using a seed value selected based on the encryption key specifying information received from the contactless communication tag (see claims 1-61).

Regarding claim 6, Park teaches a leaked seed value updating unit that, upon receipt of seed value update request information concerning a leaked seed value from the contactless communication tag, removes a seed value designated by the seed value update request information from the storing unit and updates with a newly assigned seed value (see claims 1-61).

Regarding claim 7, Park teaches the encryption key related information includes a plurality of seed values that is classified and assigned according to a classification reference including at least one of a type of industry, a manufacturer, a brand, and a product name, and the decryption unit decrypts the product information received from the contactless communication tag using an encryption key created based on a seed value selected from the plurality of seed values based on the encryption key specifying information received from the contactless communication tag (see claims 1-61).

Regarding claim 8, Park teaches a leaked encryption key updating unit that, upon receipt of update request information concerning leaked encryption key related information from the contactless communication tag, removes encryption key related information designated by the update request information from the storing unit and updates with newly assigned encryption related information (see claims 1-61).

Regarding claim 9, Park teaches a replay attack blocking unit which generates a one-time use random number, adds the one-time use random number to information to be transmitted to the tag reader, provides the information to the decryption unit, and checks if a random number extracted from information received from the tag reader is the same as the one-time use random number, thereby blocking replay attack (see claims 1-61).

Regarding claim 10, Park teaches the storing unit includes non-volatile memory, and further comprising a refresh processing unit that reads the product information from the storing unit and re-records the read product information on the storing unit (see claims 1-61).

Regarding claim 11, Park teaches a radio frequency (RF) circuit, the information reading unit, the decryption unit, and the storing unit of the communication unit are implemented as application specific integrated circuit (ASIC) (see claims 1-61).

Regarding claim 12, Park teaches the information reading unit specifies a plurality of product information from a type of industry, a manufacturer, a brand, and a product name based on the encryption key specifying information received from the contactless communication tag and provides the specified plurality of product

information to the output unit, and the output unit outputs the specified plurality of product information (see claims 1-61).

Regarding claim 13, Park teaches a reader authentication unit that authenticates an external mobile communication terminal having a tag read function by communicating with the external mobile communication terminal having the tag read function and outputs a result of authentication concerning the external mobile communication terminal having the tag read function to the output unit (see claims 1-61).

Regarding claim 14, Park teaches an encryption unit that encrypts data to be transmitted to the contactless communication tag based on encryption key related information selected from the encryption key related information by encryption key specifying information received from the contactless communication tag (see claims 1-61).

Regarding claim 15, Park teaches wherein if a purchasing confirm command is input through an information input means included communication terminal and transmits the result of determination, purchasing information of a product relating to the product information is transmitted to a service management server together with the decrypted product information (see claims 1-61).

Regarding claim 16, Park teaches wherein a the decrypted product information is stored in the storing unit every time the product information is received and decrypted, and unit transmits the result of determination the decrypted product information stored in the storing unit to is transmitted to a service management server if an information

transmission command is input through an information input means communication mean (see claims 1-61).

Regarding claim 22, Park teaches the contactless communication tag the contactless communication tag is a thin film type passive tag (see claims 1-61).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Response to Arguments***

3. Applicant's arguments filed 12/05/2008 have been fully considered but they are not persuasive.

Response to applicant's arguments, Park et al. (Application No. 10/551,345) (Pub. No. 2007/0109124A1) indeed teaches Applicant's amendment (dated 12/05/08).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGHI H. LY whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

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